

08-61522

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MAGISTRATE JUDGE
SNOW

CASE NO. _____

IN THE MATTER OF THE EXTRADITION
OF
CEZAR OCHOCO MANCAO II
_____ /

UNDER SEAL

FILED BY _____	D.C.
SEP 24 2008	
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. FT. LAUD.	

COMPLAINT

I, Jennifer A. Keene, being duly sworn, depose and state that I am an Assistant United States Attorney for the Southern District of Florida and act for and on behalf of the Government of the Republic of the Philippines (the Requesting State) pursuant to the Extradition Treaty between the United States of America and the Republic of the Philippines of November 13, 1994, which entered into force on November 22, 1996.

In accordance with Title 18, United States Code, Section 3184, I charge, on information and belief, as follows:

1. CEZAR OCHOCO MANCAO II is duly and legally charged with having committed, in the jurisdiction of the Requesting State, the offense of Double Murder under Article 248 of the Revised Penal Code of the Philippines.
 2. The above offense is an extraditable offense pursuant to Article 2 of the Treaty.
 3. The above offense is punishable by a term of imprisonment exceeding one year.
- Article 2 of the Treaty provides that offenses are extraditable offenses if they are punishable under the laws in both the Philippines and the United States by deprivation of liberty for a period of more than one year, or by a more severe penalty.

4. A warrant for the arrest of CEZAR OCHOCO MANCAO II was issued on April 28, 2006, by Judge Myra V. Garcia-Fernandez, Regional Trial Court (Branch 18) of Manila.

5. According to an investigation by authorities of the Requesting State, CEZAR OCHOCO MANCAO II is wanted based on the following facts:

As set forth in the Philippines' formal request for the extradition of CEZAR OCHOCO MANCAO II, Michael Aquino, Glenn Dumlao and CESAR MANCAO II are former members of the Philippine National Police (PNP) and the Presidential Anti-Organized Crime Task Force (PAOCTF). A PAOCTF Task Group was formed in Luzon, Visayas and Mindanao. Each Task Group operated through three divisions - MANCAO was the head of the PAOCTF Task Group-Luzon, Aquino was the Chief of its Operations Division and Dumlao was Deputy Chief of Operations.

On November 24, 2000, at around 10:00 o'clock in the morning, Salvador Dacer, a well-known public relations practitioner, and his driver, Emmanuel Corbito were abducted at the intersection of Zobel Roxas St. and Osmeña Highway in Manila. Police Officers Thomas J. Sarmiento and Ruperto A. Nemeña were identified as among those who abducted Dacer and Corbito. Immediately thereafter, the Sarmiento group made a U-turn at the intersection and headed towards the town of Dasmariñas, Cavite.

On the same day at around noon, P/Chief Insp. Vicente Arnado informed Jose Escalante over the phone that the PAOCTF had a police operation. Escalante then called SPO4 Marino Soberano and Crisostomo Purificacion and told them that they would meet at the back of the Metrobank Branch in Dasmariña, Cavite. When Soberano and Purificacion arrived at the designated place, they met the group of Dumlao, Arnado, Sarmiento, SPO4 Benjamin Taladua, P/Insp. Roberto Langcaoun, SPO3 Allan Cadenilla Villanueva, SPO1 William Reed, SPO1 Rolando Lacasandile and other

unidentified men. When asked what the operation was about, Arnado said it was already accomplished as they had with them the members of a “kidnapping and carnapping gang.” With an order to kill Dacer and Corbito, Dumlao and his group turned over the victims to Soberano and Escalante.

Dacer and Corbito were brought to Barangay Buna Lejos, Indang, Cavite. Sarmiento, Escalante and Taladua rode in the white Nissan van with Dacer, Corbito and Purificacion. The group of Soberano, Escalante and Purificacion followed Sarmiento’s group in going to Indang, Cavite. Dumlao and the other members of his group did not proceed to Cavite.

At about 8:00 o’clock in the evening of the same day, Dacer and Corbito were brought to a creek in Barangay Buna Lejos, Indang, Cavite, where they were killed by strangulation. The bodies of Dacer and Corbito were then placed upon a heap of collected wood and tires, doused with gasoline and burned.

Alex Diloy y Buladas, one of the original accused but later discharged to become a State witness during the ongoing trial of ten of the co-accused, described in detail during the trial how Dacer and Corbito were killed. Diloy, who was at the creek when Dacer and Corbito were killed, said that it was Digo de Pedro, one of the accused in the Dacer-Corbito murder, who strangled the “man in white” or “person in white clothes or white attire” whom Diloy later identified as Dacer and it was William Lopez who strangled Corbito. He also testified that after Dacer and Corbito were strangled, their corpses “were carried and thrown on top of the filed [sic] woods and old tires, ... dried coconut leaves were placed on top of the two bodies, ...the leaves were lighted and thrown to the file of woods and tires.”

The charred remains of Dacer and Corbito, consisting of burnt bones, metal dental plates and a ring, were later found in the creek of Barangay Buna Lejos, Indang, Cavite. Dr. Racquel B. del

Rosario-Fortun, forensic pathologist of the University of the Philippines College of Medicine (UPCM), Department of Pathology, reported that the UPCM found three objects, namely a ring and two metal dental plates, which totally matched those of the ante-mortem dental plates of Dacer and Corbito. The ring was identified by the Corbito family as belonging to Corbito. Dr. Fortun concluded that the human remains found at the creek at Buna Lejos, Indang, Cavite, were that of Dacer and Corbito.

In his Affidavit executed before the Philippine National Police-Criminal Investigation and Detection Group on April 11, 2001, Soberano categorically stated that it was Dumlao who gave the order to kill Dacer and Corbito. Soberano re-affirmed this statement during the preliminary investigation conducted by the prosecution on May 4, 2001. Co-accused Escalante and SPO3 Mauro Torres also said that Dumlao was at the designated meeting place at the back of the Metrobank Branch in Dasmariñas, Cavite, on November 24, 2000, and was one of those who turned over Dacer and Corbito to the Soberano group and ordered the killing of Dacer and Corbito.

In his affidavit executed on June 12, 2001, at the PNP Intelligence Group, Camp Crame, Quezon City, Philippines, Dumlao described in detail his participation and that of Aquino and MANCAO in the murder of Dacer and Corbito. Dumlao's statement included the following:

- a. Dumlao described Aquino directing a "Special Operation" against Dacer. Aquino, Dumlao and MANCAO discussed the special operation directed at Dacer in Aquino's office. In November 2000, MANCAO and Dumlao were together when Dumlao was notified by a text message from Aquino that "Delta (Dacer) had been taken. Conduct the T.I. [tactical interrogation], coordinate with 19. Do not bring along any one from Bicol." (Bicol was Dacer's home region). When told about the text message from Aquino, MANCAO told Dumlao, "Alright, go there. Update me of the results of your T.I."
- b. Acting upon Aquino's and MANCAO's orders, Dumlao met with the officers who had abducted Dacer and Corbito. Dumlao then saw the two blindfolded men inside a van. Dumlao asked the man's name and the latter gave his name as "Mr. Bubby Dacer." After asking a

series of questions that Aquino had given him, Dumlao called Aquino who told him to “go back to base but secure any documents and give it to him (referring to Aquino).” When told about the instruction of Aquino, Arnado told Dumlao, “Okay, Sir, I will take care of things here.”

c. When Dacer’s vehicle was recovered at Maragondon, Cavite, Aquino called Dumlao about the matter and gave instruction to secure the documents. Dumlao, however, later on, burned the documents upon being told by MANCAO to dispose [of] the documents as it is too dangerous keeping them.

In submitting the Affidavit of Dumlao, attorney Rogelio A. Agoot, Dumlao’s counsel, stated in his letter of June 14, 2001, that he has ascertained the truthfulness and veracity of the allegations made by Dumlao “and accordingly, he is ready and willing to testify on it in any proceeding regardless of whoever will be implicated.”

6. On May 11, 2001, an Information was filed charging Dumlao and others with Double Murder under Article 248 of the Revised Penal Code. MANCAO was not charged in the initial Information.

7. On September 17, 2001, an Amended Information was filed charging CEZAR OCHOCO MANCAO II and others with Double Murder under Article 248 of the Revised Penal Code. The Amended Information discharged Dumlao and three others as accused because they had become State witnesses. The trial court denied the Motion to Admit the Amended Information and the prosecution filed an appeal.

8. On appeal, the Supreme Court directed the re-inclusion of Dumlao as an accused and sustained the charging of MANCAO and Aquino. An Amended Information dated May 15, 2006, was filed on July 7, 2006. This Amended Information included MANCAO, Dumlao, Aquino and others as the accused, pursuant to the order of the Supreme Court.

9. The offense charged in the Amended Information is an extraditable offense under

Article 2 of the Treaty.

10. CEZAR OCHOCO MANCAO II, who is within the jurisdiction of this Court, is believed to be living at 15956 S.W. 16 Street, Plantation, Broward County, Florida.

11. CESAR OCHOCO MANCAO II is a male citizen of the Philippines. He was born on July 22, 1961. A photograph of CEZAR OCHOCO MANCAO II is included in the Philippines' formal request for his extradition.

12. The likelihood of flight is substantial if CEZAR OCHOCO MANCAO II learns of the request prior to arrest.

13. Whereupon, your complainant requests:

a. that a warrant be issued pursuant to Title 18, United States Code, Section 3184 for the arrest of CEZAR OCHOCO MANCAO II;

b. that CEZAR OCHOCO MANCAO II be brought before this Court and the evidence of criminality be heard;

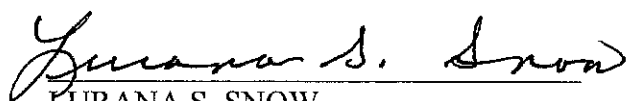
c. that if, on such hearing, the Court deems the evidence sufficient under the provisions of the Treaty to sustain the charges, the Court certify the same to the Secretary of State in order that a warrant may be issued for the surrender of CEZAR OCHOCO MANCAO II to the appropriate authorities of the Requesting State according to the Treaty; and

d. that this Court take such other actions as may be required under the provisions of the Treaty and the laws of the United States to meet the obligations of the United States under the Treaty, including the seizure of any items or materials in the possession of CEZAR OCHOCO

MANCAO II at the time of his apprehension which are related to the crime charged or which may be used as evidence, pursuant to Article 15 of the Treaty.


JENNIFER A. KEENE
ASSISTANT UNITED STATES ATTORNEY

Sworn to before me and subscribed in my presence this 24th day of September, 2008 at Ft. Lauderdale, Florida
AND A WARRANT SHALL ISSUE


LURANA S. SNOW
UNITED STATES MAGISTRATE JUDGE

cc: Jennifer A. Keene, AUSA
ICE

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

In the Matter of the Extradition
of
CEZAR OCHOCO MANCAO II

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

AUSA Jennifer Keene (954-356-7336 Ex. 3596)

DEFENDANTS

MAGISTRATE JUDGE
SNOW

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

SEP 24 2008

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. FOR THE SOUTHEASTERN DISTRICT

(d) Check County Where Action Arose: ☐ DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ FORKLAND BOBBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

(Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Jennifer A Keene

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP